

DFH

TRIAL PRACTICE
AND COURTROOM PROCEDURES
BEFORE
JUDGE DAVID F. HAMILTON

GENERAL MATTERS

1. Counsel are expected to be fully familiar with the Local Rules of the United States District Court for the Southern District of Indiana and with the Final Report of the Committee on Civility of the Seventh Federal Judicial Circuit. The Local Rules are available from the Clerk of the Court; a copy of the civility report is attached.
2. Please stand when speaking for the record and when addressing the court. Use the lectern except for brief objections during testimony.
3. Colloquy or argument between attorneys is not permitted. Please address all remarks to the court.
4. Do not exhibit familiarity with witnesses, jurors or opposing counsel. The use of first names is discouraged. During argument to the jury, no juror shall be addressed individually or by name.
5. Do not ask the reporter to mark testimony. All requests for re-reading of questions or answers shall be addressed to the court.
6. After trial has begun, documents should be tendered to the courtroom deputy for filing, rather than to the Clerk's Office.

FACILITIES

1. The court has available a TV, VCR, and easels. Counsel who plan to use them should make arrangements with the courtroom deputy before trial begins. Counsel should expect to bring with them any other equipment, such as overhead projectors and screens, which they expect to use to display exhibits.
2. There are two witness rooms at the back of the courtroom. They are open and available during trial. Witnesses should generally be asked to report to those rooms.
3. The facilities of the chambers, including the telephones and the copier, are not available to counsel during trial. Public telephones are available on the ground floor and third floor

of the courthouse. Counsel should enter chambers only by invitation of the court staff. Cellular phones may be used outside the courtroom but must be turned off in court.

COURT HOURS AND PROMPTNESS

1. The court makes every effort to commence proceedings at the time set. Promptness is expected from counsel and witnesses. The courtroom deputy should be informed of any anticipated scheduling problems, and the court will attempt to work with counsel to resolve them.
2. If your witness was on the stand at a recess or adjournment, have the witness on the stand ready to proceed when court is resumed.
3. Have your next witness in the courtroom and ready to take the stand after a recess or adjournment. If a witness' testimony is expected to be brief, have the next witness immediately available, ordinarily in the witness room.
4. Don't run out of witnesses. If there is a substantial delay between witnesses, the court may deem that you have rested.
5. The court attempts to cooperate with the schedules of doctors and other non-party professional witnesses and will consider permitting them to testify out of sequence. Anticipate any such possibility and discuss it with opposing counsel. If there is an objection, confer with the court in advance.

THE VENIRE AND VOIR DIRE

1. A list of the venire and copies of questionnaires which the venire have completed will usually be available to counsel the Friday before the trial starts. A seating chart will be available the morning of trial.
2. The court will conduct *voir dire*, and counsel will also have a brief opportunity to question the panel. Pursuant to the court's scheduling orders, counsel may submit before trial any questions they would like the court to ask. After questioning of the entire panel has been completed, the court will generally take a recess, then convene with only counsel and the parties to deal with challenges for cause and peremptory challenges. All peremptory challenges will be exercised simultaneously and in writing. (In criminal cases, however, peremptory challenges to alternate jurors will be exercised separately, after the twelve jurors are selected.)

3. In civil cases, the court ordinarily seats a jury of more than six members, and all jurors will deliberate.

OPENING STATEMENT AND CLOSING ARGUMENT

1. Counsel should stand at the lectern during the opening statement and argument. Confine opening statements to what you expect the evidence to show. It is not proper to use the opening statement to argue the case or to instruct as to the law.
2. The court will honor counsel's reasonable requests concerning the amount of time for opening statements and closing arguments. These limits will ordinarily be set in the final pretrial conference.
3. During the argument of opposing counsel, remain seated at the counsel table and be respectful. Never divert the attention of the court or the jury. Counsel should so instruct their clients and witnesses.
4. If you intend to use during opening statement an exhibit as to which admissibility has not been stipulated, raise the matter with the court and opposing counsel.

EXAMINATION OF WITNESSES

1. Witnesses shall be treated with appropriate fairness and consideration. They shall not be shouted at, ridiculed, or otherwise abused.
2. Counsel should conduct examination of witnesses from the lectern.
3. Avoid questions that begin "It is my understanding that . . .," or "Do I understand correctly that . . .," and questions that recapitulate the witness' testimony. Avoid questions that ask a witness for a "best guess" or other obvious speculation. Also, avoid responding to answers with editorial comments of approval or disapproval.
4. Rise when addressing the court and when making objections. This calls the court's attention to you and allows you to be heard more readily.
5. When the purpose of approaching the witness is to work with an exhibit, prior permission of the court need not be sought. During a jury trial, the witness and the exhibit (if enlarged) should be facing the jury so that you can be seen and heard. Counsel should

resume the examination of the witness from the lectern when finished with the exhibit, which should be as soon as possible.

6. When the trial begins, please provide the court and the court reporter with a list of witnesses you expect to call. Please attempt to have the correct spellings for the court reporter.

OBJECTIONS TO QUESTIONS

1. When rising to make an objection, state only that you are objecting and specify the ground or grounds for that objection.
2. Do not use objections for the purpose of making a speech, recapitulating testimony or attempting to guide the witness.
3. The court will ordinarily ask for a brief response from opposing counsel. Further argument upon the objection will not be heard until permission is given or argument is requested by the court.
4. Where more than one attorney appears for a given party, the attorney who handles the direct examination of a witness shall also interpose objections when the witness is being examined by other counsel. The attorney who will cross-examine a witness shall interpose any objections during direct testimony.
5. No person in the courtroom shall ever exhibit, by facial expression or other conduct, any opinion concerning any testimony which is being given by a witness or any particular ruling by the court. Counsel should admonish their clients and witnesses to avoid such behavior. Visitors who cannot abide by this requirement will be asked to leave the courtroom.
6. The usual trial schedule begins at 9:00 a.m. and continues after a convenient midmorning break until at or near noon. After the lunch hour, the afternoon session normally continues until 5:00 with two midafternoon recesses. Times to recess and adjourn may vary slightly, to permit the conclusion of a witness' testimony, to allow counsel to finish with direct or cross-examination, or if the court must attend to other court-related business.

EXHIBITS

1. Exhibits should be marked for identification before trial and a list provided to the court and the court reporter. All exhibits should be identified by number only (and not as "Plaintiff's Exhibit 1," for example. Counsel shall confer and agree on a numbering system that will avoid confusion and duplication.
2. Counsel should confer before trial to reach as many stipulations concerning authenticity and admissibility of exhibits as possible. Counsel should move the admission of stipulated exhibits at the beginning of trial.
3. The court expects counsel to prepare sufficient copies of documentary exhibits for each juror, the court, the witness stand, and opposing counsel. If more than a few documents are involved, the court strongly urges that exhibit notebooks with tabs be prepared for each juror, the court, the witness stand, and opposing counsel. This practice might not be necessary when some exhibits are too bulky or if there are other reasons not to use individual copies. This subject will be discussed at the final pretrial conference.
4. A descriptive list of the exhibits counsel intend to introduce is a helpful tool for counsel, the court, the court reporter, and the clerk.
5. Exhibits admitted into evidence are kept on the table in front of the jury box during the trial. Each counsel is responsible for exhibits taken from the table. At each recess or adjournment, return all exhibits to the table. Exhibits which have been offered but not admitted are also part of the record of the case and are kept by the clerk.
6. Each counsel shall keep a list of admitted exhibits. Counsel and the clerk shall confer at the close of the evidence to ensure that only admitted exhibits are sent to the jury. Controlled substances, counterfeit currency, firearms, or other dangerous materials are generally not sent to the jury; counsel are asked to substitute photographs.
7. If an exhibit must be marked for identification in open court, counsel should state for the record what they are doing and describe briefly the nature of the exhibit. Counsel should not expect the court to provide exhibit labels.
8. Ordinarily, exhibits should be offered in evidence when they become admissible, rather than at the end of a witness' testimony or counsel's case.
9. Ordinarily, exhibits admitted into evidence may be displayed to the jury at the time of admission or in conjunction with other exhibits at the conclusion of the witness' examination by the "offering" counsel, but permission of the court should be sought in advance of executing either procedure.
10. When counsel or witnesses refer to an exhibit, mention should also be made of the exhibit number so that the record will be clear.

11. Where maps, diagrams, pictures or similar materials are being used as exhibits, and locations or features on such documents are being pointed out by witnesses or counsel, such locations should be indicated by appropriate markings on the documents if they are not readily apparent from the exhibits themselves. Unnecessary markings should be avoided. Marking on exhibits should be made only after considering the views of opposing counsel and only after receiving the court's permission. Counsel should then describe the markings for the record.
12. Where counsel expect to offer answers to interrogatories or requests for admissions extracted from several separate documents, prepare copies of the individual materials rather than thumbing through extensive files while the court and the jury sit waiting for counsel to locate the particular items. These materials should ordinarily be the subject of stipulations and should be addressed at the final pretrial conference.
13. All exhibits other than those on 8 1/2 x 11" or 14" x 11" paper will be returned to the parties at the end of the proceeding unless the court specifies otherwise. Parties will be responsible for delivering them to the Court of Appeals if and when necessary.

DEPOSITIONS

1. Pretrial orders in civil cases will ordinarily require advance designation of depositions and excerpts to be offered at trial. This matter will ordinarily be addressed in pretrial conference. Depositions to be used at trial, either as evidence or for impeachment, are to be filed on the morning of the trial.
2. Depositions to be used as evidence at trial shall be marked as exhibits. The parties should stipulate, if possible, that the reading of depositions not be taken by the reporter.
3. Where a deposition is to be read, the relevant excerpts must be identified verbally for the record by line, question and page reference. Before using portions of depositions for impeachment, allow the witness to read them to himself or herself after the identification has been made for the record.
4. Confer with opposing counsel to edit depositions that are to be used at trial, and remove unnecessary material. This also applies to videotape depositions.

JURY INSTRUCTIONS

1. File and serve your proposed jury instructions pursuant to the pretrial orders.

2. When possible, tender your proposed instructions on a computer disk. The court uses WordPerfect 5.1, and 3.5" disks are preferred.
3. Each tendered instruction must include a citation to the authority on which counsel rely.
4. The court will convene an instructions conference at an appropriate time, generally near the conclusion of all the evidence.

DIFFICULT QUESTIONS — ADVANCE NOTICE

If counsel have reason to anticipate that any question of law or evidence is not routine, will provoke an extensive argument, or will require a proffer outside the presence of the jury, counsel should confer and attempt to resolve the matter. If agreement is not possible, give advance notice to the court to allow for appropriate scheduling arrangements to be made.

Revised: May 10, 1996

D74

United States District Court
Southern District of Indiana

Chambers of
Judge David F. Hamilton

330 United States Courthouse
46 East Ohio Street
Indianapolis, Indiana 46204

September 8, 1997

Re: xxxxxx v. yyyyyy
 IP 97-xxxx-C G/H

Dear Counsel:

As you know, under the Federal Rules of Civil Procedure, this Court is responsible for the "just, speedy and inexpensive" determination of every civil case. The passage of the Civil Justice Reform Act has brought about a review of our procedures and examination of methods to reduce delay and costs associated with civil litigation. As part of this review, the Court wishes to make the fullest use possible of our Magistrate Judges. Accordingly, our Magistrate Judges have each been reassigned to be paired with two District Judges. Additionally, their responsibilities have been adjusted to take maximum advantage of their abilities as trial judges and as settlement facilitators.

Judge Godich and I believe that case supervision and management will be more efficient if only one judicial officer has primary responsibility for supervision of discovery motions and pre-trial preparation for each case. This will allow Judge Godich and me to become more familiar with each case of a somewhat smaller caseload. Accordingly, I have determined to refer a number of cases to Judge Godich for which he will have primary responsibility. The enclosed order effectuates this reference. For this reference to be most efficient, I strongly encourage you to secure your client's consent to the Magistrate Judge's trial jurisdiction. Judge Godich has more than 20 years experience as a Magistrate Judge and has tried a wide variety of civil cases. You and your clients are, however, free to withhold consent without adverse substantive consequences.

The judges of this Court have the highest confidence in our Magistrate Judges. Each has been chosen for appointment and reappointment by a merit selection panel. Each has more than twenty years experience on the bench or in active trial practice in federal and state court. My fellow judges and I consider them fully capable of handling any aspect of any civil case that may come before the Court.

This assignment system has been developed to improve the management of our cases and enable us to provide firm trial dates on an expeditious basis. I welcome your comments or questions about this referral.

Sincerely yours,

David F. Hamilton

cc: Hon. John P. Godich

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. IP 97-xxx-C G/H
)	
)	
)	
Defendant.)	

MAGISTRATE JUDGE ASSIGNMENT ORDER

Pursuant to Local Rule 72.1, the undersigned United States District Judge refers this case to United States Magistrate Judge John Paul Godich. Under the terms of this reference, the Magistrate Judge will supervise all discovery, pre-trial proceedings and motions practice from this date until the date of trial. This reference includes, but is not limited to,

- 1) Conducting all pre-trial conferences and scheduling conferences;
- 2) Supervising pre-trial disclosures and discovery;
- 3) Determining all non-dispositive motions pursuant to Rule 72(a), Federal Rules of Civil Procedure;
- 4) Hearing all dispositive motions and entering a recommended decision pursuant to Rule 72(b) or alternatively, deciding such motions, upon the consent of the parties to refer that motion to the Magistrate Judge;
- 5) With the consent of the parties, conducting the trial of the case.

Counsel are herewith advised of the availability of the Magistrate Judge to exercise the full jurisdiction of the Court and to try this case, should the parties so consent. Counsel are likewise advised that no adverse substantive consequences will follow failure to consent.

The Magistrate Judge is further empowered to assign this case for trial in accordance with the case management plan to be prepared in this case. This trial will be heard by the Magistrate Judge if the parties so consent. Absent such consent, the trial will be conducted by the District Judge on the date assigned or as soon thereafter as practicable.

DATED this ____ day of _____, 1997.

DAVID F. HAMILTON, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Copies to:

DFH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. IP 97-xxx-C H/G
)	
)	
)	
Defendants.)	

NOTICE OF INITIAL PRETRIAL CONFERENCE

This case is hereby assigned for an initial pretrial conference before United States District Judge David F. Hamilton on **Wednesday, October 8, 1997, at 4:00 p.m.**, in Room 330, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The parties by counsel, in preparation for the conference, are ORDERED to comply fully with the provisions of LR 16.1(c) & (d); to confer and prepare a case management plan; and to file such plan no less than seven (7) days prior to the conference. In addition, counsel and parties are encouraged to review the attached advisory concerning electronic access to the Court's docketing system.

If the parties agree on a plan and the plan is approved by the Court, the scheduled conference may be vacated and a trial date set by the Court pursuant to the provisions of this Court's Civil Justice Expense and Delay Reduction Plan (dated December 31, 1991). If no case management plan is submitted, if the proposed plan is not approved by the Court, if the parties request the conference

be held, or if the Court otherwise believes an initial pretrial conference would be beneficial, the conference shall remain on the calendar at the assigned time and place.

Unless the initial pretrial conference is vacated, counsel who attend the conference should include the principal attorney responsible for trying the case, and counsel should be familiar with the facts and relevant legal issues in the case. No issue, claim, or defense shall be maintained at the conference by any party as to which there are no presently known facts which support the issue, claim, or defense. Counsel should expect to be asked to set forth specific, known facts that support the issue, claim, or defense. Where it appears at the conference that there is no factual or legal basis to support any issue, claim, or defense, the Court will enter an order dismissing such issue, claim, or defense without prejudice to refile in the event subsequent discovery demonstrates the existence of facts or law supporting the issue, claim, or defense.

Pursuant to LR 16.1(h), counsel should also be prepared to discuss settlement at the initial pretrial conference (as at any pretrial conference).

The Court encourages counsel to agree on a numbering system for exhibits in discovery that will assign a unique number to each exhibit, so that the same exhibit number can be used at all depositions and at trial. See Paragraph IX(B)(5) of the Sample Case Management Plan.

A sample case management plan form with suggested deadlines has been attached following the Court's advisory concerning electronic access to the Court's docketing system.

So ordered.

Date: _____

DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

Copies to:

ADVISORY ON ELECTRONIC ACCESS TO DOCKET INFORMATION

The public is now able to obtain information about cases filed in the U.S. District Court for the Southern District of Indiana without visiting the courthouse or talking to anyone. This information may be downloaded to the personal computer and printed at no cost wherever that computer is located – home or office, for instance.

The public may access electronically the Court's docketing system, the Judicial Automated Management System ("JAMS") between 7 a.m. and midnight seven days a week. In each case pending in the Court, JAMS identifies parties, the case number, the names and addresses of counsel, all documents which have been filed, and the orders which have been entered. JAMS also has a search function which will find a case when only the case number or one litigant's name is known.

Previously, most requests for information about federal cases pending within the Southern District of Indiana were made by telephone to or in person at the U.S. District Court Clerk's Office in Indianapolis, Terre Haute, Evansville and New Albany. The public could access JAMS only through computers in the lobby of the U.S. District Court Clerk's Office but had no ability to print the information found in JAMS. When someone requested a copy of court docket sheets, the Clerk was required by statute to charge 50 cents per page in most instances.

The information which can be accessed electronically on JAMS on any given day will be current as of 11:59 p.m. of the preceding day.

Electronic access to JAMS will be limited to one hour per session. The user will be "logged off" the JAMS system automatically after 5 minutes of inactivity. The Court strongly recommends that individuals electronically accessing JAMS download into their own computers the information which they are seeking. That approach will allow those individuals to review and print information at their leisure. Also, downloading the information likely will lessen the amount of time which each person spends in JAMS and therefore enhances the ability of others to access the system.

The Court is not charging a fee for electronic access to JAMS. The Court may reevaluate that policy, depending on the policies of the Judicial Conference of the United States, the cost of maintaining the system, and the level of interest in it. Individuals who access JAMS electronically when outside Indianapolis may incur long distance telephone charges.

If the experience of other federal courts is any guide, this electronic access feature of JAMS will be used frequently by attorneys and litigants. Last year the public accessed similar electronic information systems within the federal courts 3 million times. That number is expected to grow to more than 4 million this year.

This electronic access can be accomplished with ease. The first step is to register with and obtain a password from Dale Nellis, Systems Manager for the U.S. District Court. His phone number is (317) 226-7425. JAMS cannot be accessed without such a password.

Another requirement for electronic access to JAMS is a personal computer with a modem which ranges from 9600 to 28.8 baud is necessary. Communications software also is necessary to establish the electronic link. (Procomm, Qmodem or Zcomm are three software programs which work well with the Court's computer system.)

For more information or to obtain a password, please contact Dale Nellis at (317) 226-7425.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
_____ DIVISION

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. IP 97-0000-C H/G
)	
JOHN DOE,)	
)	
Defendant.)	

SAMPLE CASE MANAGEMENT PLAN

I. PARTIES AND COUNSEL

Plaintiff(s): [name and address]

Plaintiff's Counsel: [name, address, telephone, fax]

Defendant(s): [name and address]

Defendant's Counsel: [name, address, telephone, fax]

II. FACTUAL SYNOPSIS [please keep this brief]

A. Plaintiff's view, including estimated elements of damage claims

B. Defendant's view

III. LEGAL THEORIES

A. Plaintiff's theories, including subject matter jurisdiction

B. Defendant's theories, including position on subject matter jurisdiction

IV. DISCOVERY SCHEDULE AND SCOPE

A. [Insert here any agreed modifications of the provisions of the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the Southern District of Indiana concerning the number or scope or other conditions concerning specific methods of discovery, including depositions, interrogatories, and requests to admit. If the parties expect to seek a protective order limiting access to materials in the Court's file or produced in discovery, the reasons

for any such order should be addressed here. If resolution of the case would benefit by structuring discovery to address specific issues at an early stage of the case, the structure should be set forth here.]

B. At this time, plaintiff expects to conduct the following discovery: [describe expected subject matter, methods, witnesses, and timetable].

C. At this time, defendant expects to conduct the following discovery: [describe expected subject matter, methods, witnesses, and timetable].

D. No interrogatories shall be served after _____ without prior leave of Court. [approximately 90 days after initial pretrial conference]

E. Both parties shall file preliminary witness and exhibit lists on or before [same date as deadline for service of interrogatories]. On [the same date], the plaintiff shall identify any expert witnesses expected to testify at trial, shall provide the disclosures required by Fed. R. Civ. P. 26(a)(2), and shall provide dates each identified expert witness shall be available for deposition. On [the same date], plaintiff(s) shall submit to defendant(s) a statement of special damages and a written settlement demand, and shall send a copy to the Court.

F. On or before _____ [15 days after plaintiff submits settlement demand], defendant shall submit to plaintiff a written response to the settlement demand, and shall send a copy to the Court.

G. On or before _____ [approximately 45 days after plaintiff identifies expert witnesses], defendant shall identify any expert witnesses expected to testify at trial, shall provide the disclosures required by Fed. R. Civ. P. 26(a)(2), and shall provide dates each identified expert witness shall be available for deposition.

H. All discovery shall be completed on or before _____ [approximately 90 days after the deadline for interrogatories in ¶(C), above]. This deadline means that all discovery requests and notices of deposition shall be served so that responses shall be due and depositions shall be completed on or before the deadline for completing discovery.

I. After preliminary witness and exhibit lists are filed, each party shall promptly notify the others of any additions so that any necessary discovery can be conducted. Failure to comply with this duty may result in exclusion of an undisclosed witness or exhibit from trial.

J. Before any discovery dispute is submitted to the Court by motion or otherwise, counsel shall comply with LR 37.1. Failure to comply will subject the motion to summary denial.

V. MOTIONS PRACTICE

A. Are there significant issues in the case that should be raised and decided in the early stages of the case? In particular, are there any disputes over whether this court is the proper forum for the case?

B. All motions for leave to amend pleadings and/or to join additional parties shall be filed on or before _____ [approximately 30 days after initial pretrial conference].

C. All dispositive motions, including motions for partial summary judgment, shall be filed on or before _____ [15 days after discovery cut-off]. [If early disposition of one or more issues is likely to lead to more prompt resolution of the entire matter, the parties shall consider identifying the issues and providing for such early resolution.] [Note: Pursuant to the court's plan

adopted pursuant to the Civil Justice Reform Act, the court should continue the trial if a dispositive motion remains pending 30 days before trial. If enlargements of time for filing and/or briefing such motions significantly reduce the court's time to consider the motions, the trial date may be affected. Counsel seeking such enlargements should contact opposing counsel and indicate in the motion for enlargement of time whether opposing counsel opposes the enlargement.]

VI. ALTERNATIVE DISPUTE RESOLUTION, MAGISTRATE CONSENT, AND BIFURCATION

VII. OTHER MATTERS

Other matters required under LR 16.1(d) and not previously covered in the plan.

VIII. TRIAL CONSIDERATIONS

- A. The case shall be set for a jury/court trial.
- B. The parties estimate the trial will take _____ hours or days.
- C. The parties expect the case to be ready for trial by _____ [approximately 90 days after scheduled discovery cut-off]

IX. FINAL TRIAL PREPARATION AND FINAL PRETRIAL CONFERENCE

- A. Three weeks before trial, the parties shall file and exchange:
 - (1) A trial list of witnesses who will actually be called, and a list of exhibits that will actually be offered. These lists are not an opportunity to add new witnesses and exhibits not previously identified.
 - (2) Designations of deposition excerpts or deposition summaries for use at trial (other than for impeachment).
- B. Two weeks before trial, the parties shall file and exchange:
 - (1) Written stipulations of fact.
 - (2) Any motions in limine.
 - (3) For a jury trial, proposed preliminary and final jury instructions, and proposed questions and/or topics for *voir dire*.
 - (4) For a bench trial, a trial brief and/or proposed findings of fact and conclusions of law.
 - (5) Written objections to any exhibit listed by the opposing side and to any designated deposition excerpts or summaries. Failure to raise a ground for objection to an exhibit in the pretrial filing will be deemed a waiver of such ground, absent a showing of good cause. Before these objections are filed, counsel shall confer for purposes of reaching stipulations concerning: (a) exhibit numbering, so as to avoid unnecessary duplication and confusion; (b) admissibility of exhibits (or, if admissibility is not stipulated, authenticity, use of copies, and similar foundational matters not genuinely disputed). All exhibits shall be designated by number only (and not as "Plaintiff's Exhibit

1," for example). The numbers need not be consecutive. If the parties have used one numbering system throughout discovery, the same numbers should be used for the exhibits at trial.

3. The day before the final pretrial conference, the parties shall file responses to any motions in limine.

Attorneys for Plaintiff

Attorneys for Defendant

BY THE COURT: This matter is set for a JURY/COURT TRIAL on _____ at _____, in Room 344, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The final pretrial conference in this matter is set for _____ at _____, in Room 330, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana.

So ordered.

Date: _____

DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

Copies to: